

REMARKS

Claims 1-37 are pending. Reconsideration and allowance based on the following remarks are respectfully requested.

Claims 1-37 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Jensen et al. (US 5,671,219). This rejection is respectfully traversed.

Claim 1 recites, *inter alia*, a method of test receiving alternative reception frequencies in a receiver receiving a continuous flow of information of a unidirectional digital broadcasting transmission at a first reception frequency, the continuous flow of information including user terminating information... predicting an interruption in the form of a natural break in the flow of specific user terminating information, based on an indication of the end of the specific user terminating information...

Claim 30 recites, *inter alia*, a receiver configured to receive a continuous flow of information of a unidirectional digital broadcasting transmission at a first reception frequency, the continuous flow of information including user terminating information... a digital signal processing unit, the digital signal processing unit including an information transfer routine arranged to extract a flow of specific user terminating information from the received continuous flow of information, wherein the digital signal processing is configured to predict an interruption in the form of a natural break in the flow of specific user terminating information, evaluate, based on the behavior of the specific user terminating information, if the predicted interruption will be of an adequate length of time and change the reception frequency... if the interruption is of an adequate length of time.

Applicants respectfully submit that Jensen fails to teach the above claimed features.

Jensen teaches an over the air protocol for a mobile telephone system. A "link establishing" procedure is used to negotiate time slots. Upon establishing a link, a bidirectional exchange of control messages is performed. See Col. 12, line 22 – Col. 13, line 11. In Jensen's system the mobile transceiver is able to predict which time slots or air channels that are not being used for communication can then be used for the evaluation of alternative reception frequencies. See Col. 2, lines 30-32.

Jensen fails to teach the use of a specific user terminating information which defines where an interruption of other information can occur. The Examiner asserts that Col. 12, line 39 – Col. 13, line 2, line 67 – Col. 14, line 6 provides the above claimed specific user terminating information use in the manner claimed. In order for Jensen to teach this feature of Applicants claim, Jensen must teach a specific information that pertains to the user's termination and indicates when an interruption can occur. Applicants find no teaching of such specific information in the sections of Jensen referred to by the Examiner or anywhere else in Jensen's teachings.

The specific sections referred to by the Examiner relate to receiving a poll message that include a user ID. The user ID is used as a comparison to determine if the poll response is to be transmitted. Jensen further states that to avoid failure by one or more stations 102 responding to the poll message, based on the user ID, each user station backs off for a calculated time period before attempting to acquire the same base station and send the poll message. This creates a stagger of communication with the station thus eliminating failures by multiple responses. The user ID is used to create the queue for

acquiring the station, e.g., a line where the line proceeds based on the calculated time period.

Nowhere does Jensen teach or suggest a “specific user terminating information” as claimed by Applicants. The section of Jensen provided by the Examiner does not use or teach such information. Further, Applicants have found nowhere in Jensen where such a feature is taught.

Should the Examiner maintain this line of rejection, the Examiner is requested to point out the specific line or words used in the disclosure of Jensen which teach the claimed “specific user terminating information” and in the manner in which it is implemented as claimed by Applicants to perform the tasks as claimed.

Further, Jensen describes a bidirectional one-to-one communication system period. Thus, the link establishing procedure described in Jensen cannot teach the features of the present invention which are able to operate in a unidirectional system one-to-one or one-to-many, as recited by the “digital broadcasting transmission” in claims 1 and 30.

The Examiner agrees that Jensen is bidirectional and states that “Jensen is silent where the flow of information of the unidirectional digital broadcasting transmission.” See page 4 of the Office Action. The Examiner suggests that Jensen’s system can be implemented on various networks as disclosed at Col. 4, line 43 – Col. 5, line 6, that this suggests to one of ordinary skill that Jensen’s system can be unidirectional and also implemented in the DVD-T and DAB protocols. Applicants strongly disagree.

Jensen suggests that systems can be implemented in “various networks.” This is true. However, this merely means that Jensen’s communication system can be implemented using the networks which allow for a path of

communication to implement Jensen's system. This does not suggest that Jensen's system is modified or changed in any manner. The various networks only provide a communication path for implementing Jensen's system. Thus, the direct one-to-one (bidirectional) communication system of Jensen is not changed by the fact that Jensen's communication is made possible using various networks to provide the communication path. The basic structure of how communication is performed using the one-to-one or bidirectional means is the same no matter what network the communication network is used to send the signals.

Furthermore, it is stated in Jensen that it can be implemented within various networks but does not state that it can be implemented in all networks nor does it refer to specific protocols. This is important since it would only be obvious to implement Jensen's system in networks or protocols that would correspond to the manner in which Jensen's communication system is designed and implemented. It would not be obvious or make sense to use protocols associated with unidirectional communication for a system designed for bidirectional communication. It would, however, be obvious and make sense to use with Jensen's system various networks and protocols that are designed for a bidirectional systems and conform to the manner in which Jensen's system is designed to communicate.

Applicants respectfully submit that the unidirectional system claimed by Applicants and the DVD-T and DAB protocols recited in claims 2 and 3 which are designed as unidirectional broadcast transmission protocols are not taught by Jensen or an obvious variation of Jensen's teachings. Thus, one of ordinary skill would not be motivated to use these protocols or to modify Jensen's bidirectional system to be unidirectional based on Jensen's teachings.

Therefore, in view of the above, Applicants respectfully submit that Jensen's fails to teach each and every feature of Applicants independent claims 1 and 30 as well as dependent claims 2 and 3. Further, one of ordinary skill in the art would not be motivated by the reference to communicate using Jensen's system through different networks to make extensive modifications to Jensen's system to accommodate the claimed features. Therefore, reconsideration and withdrawal of the rejection is respectfully requested.

Conclusion

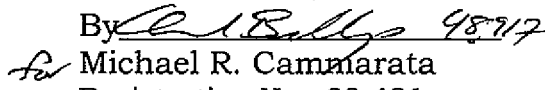
For at least the above reasons Applicants respectfully submit Claims 1-37 are distinguishable over the cited art. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings Reg. No. 48,917 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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